

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PERSONALIZED MEDIA
COMMUNICATIONS, LLC,

Plaintiff,

V.

GOOGLE LLC,

NETFLIX, INC.

Defendants.

CIVIL ACTION NO. 2:19-CV-00090-JRG
(Lead Case)

CIVIL ACTION NO. 2:19-CV-00091-JRG
(Member Case)


ORDER

Before the Court is the Joint Motion for Partial Dismissal of Certain Claims and Transfer of Defendant Netflix, Inc. (the “Motion”) filed by both Plaintiff Personalized Media Communications, LLC (“PMC”) and Defendant Netflix, Inc. (“Netflix”) (collectively, the “Parties”). (Dkt. No. 192). In the Motion, the Parties represent that they have mutually agreed, subject to the approval of the Court to: (1) dismiss all claims against Netflix regarding U.S. Patent Nos. 7,865,920 and 9,674,560; (2) grant Netflix’s Motion to Transfer Venue as to Netflix only (Dkt. No. 62); and (3) transfer Case No. 2:19-cv-00091 to the United States District Court for the Southern District of New York. The Parties further represent that their agreement in the above Member Case shall have no impact on and shall not be a citable event as to the Lead Case regarding Defendant Google LLC. Without addressing the merits of the Motion but relying solely on the mutual agreement and representations of the Parties, the Court finds that the Motion should be and hereby is **GRANTED** as set forth below.

Accordingly, **IT IS ORDERED THAT:**

1. PMC's claims against Netflix in Case No. 2:19-cv-00091 regarding (but only regarding) U.S. Patent Nos. 7,865,920 and 9,674,560 are **DISMISSED WITH PREJUDICE**, and each party is to bear its own costs and attorneys' fees therein;
2. Since it now stands unopposed, Netflix's Corrected Motion to Dismiss or, In the Alternative, Transfer for Improper Venue (Dkt. No. 62) is **GRANTED-IN-PART** as to Netflix only and as reflected by the Parties agreement; and consequently, the Court **ORDERS** that Case No. 2:19-cv-00091 be and it is transferred to the United States District Court for the Southern District of New York; and
3. All other pending relief, if any, currently sought as part of Case No. 2:19-cv-00091, unless expressly granted herein, is **DENIED AS MOOT**.

So ORDERED and SIGNED this 17th day of April, 2020.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE